

HOUSE \_\_\_\_\_ AMENDMENT NO. \_\_\_\_\_

Offered By

AMEND House Committee Substitute for Senate Substitute Senate Bill 769, Page 2, Section 178.530, Line 26, by inserting immediately after said line the following:

\_\_\_\_ “[650.325.] 190.411. There is hereby established within the department of public safety the “[Advisory Committee for] 911 Service Oversight Board” which is charged with assisting and advising the state in ensuring the availability, implementation and enhancement of a statewide emergency telephone number common to all jurisdictions through research, planning, training and education. The [committee for] 911 service oversight board shall represent all entities and jurisdictions before appropriate policy-making authorities and the general assembly and shall strive toward the immediate access to emergency services for all citizens of this state.

\_\_\_\_ [650.330.] 190.415. 1. The [committee for] 911 service oversight board shall consist of [sixteen] seven members, one of [which] whom shall be [chosen from] the director of the department of public safety or the director's designee, who shall serve as chair of the [committee] board and only vote in the instance of a tie vote among the other members, and the other members shall be selected as follows:

(1) [One member chosen to represent an association domiciled in this state whose primary interest relates to counties;

(2) One member chosen to represent the Missouri public service commission;

(3)] One member chosen to represent emergency medical services;

[(4)] (2) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to a national emergency number;

[(5)] (3) One member chosen to represent an association whose primary interest relates to issues pertaining to fire chiefs;

[(6)] (4) One member chosen to represent an association with a chapter domiciled in this state whose primary interest relates to issues pertaining to public safety communications officers;

[(7)] (5) One member chosen to represent an association whose primary interest relates to issues pertaining to [police chiefs] law enforcement officials; and

[(8) One member chosen to represent a league or association domiciled in this state whose

1 primary interest relates to issues pertaining to municipalities;

2 (9) One member chosen to represent an association domiciled in this state whose primary  
3 interest relates to issues pertaining to sheriffs;

4 (10) One member chosen to represent 911 service providers in counties of the second,  
5 third and fourth classification;

6 (11) One member chosen to represent 911 service providers in counties of the first  
7 classification, with and without charter forms of government, and cities not within a county;

8 (12)] (6) One member chosen to represent telecommunications service providers with [at  
9 least one hundred thousand] access lines located within Missouri[;

10 (13) One member chosen to represent telecommunications service providers with less  
11 than one hundred thousand access lines located within Missouri;

12 (14) One member chosen to represent a professional association of physicians who  
13 conduct with emergency care; and

14 (15) One member chosen to represent the general public of Missouri who represents an  
15 association whose primary interest relates to education and training, including that of 911, police  
16 and fire dispatchers].

17 2. Each of the members of the [committee for] 911 service oversight board shall be  
18 appointed by the governor with the advice and consent of the senate for a term of four years[;  
19 except that, of those members first appointed, four members shall be appointed to serve for one  
20 year, four members shall be appointed to serve for two years, four members shall be appointed to  
21 serve for three years and four members shall be appointed to serve for four years]. Members of  
22 the [committee] board may serve multiple terms.

23 3. The [committee for] 911 service oversight board shall meet at least quarterly at a place  
24 and time specified by the chairperson of the [committee] board and it shall keep and maintain  
25 records of such meetings, as well as the other activities of the [committee] board. Members shall  
26 not be compensated but shall receive actual and necessary expenses for attending meetings of the  
27 [committee] board.

28 4. The [committee for] 911 service oversight board shall:

29 (1) Organize and adopt standards governing the [committee's] board's formal and informal  
30 procedures;

31 (2) Provide recommendations for primary answering points and secondary answering  
32 points on statewide technical and operational standards for 911 services;

33 (3) Provide recommendations to public agencies concerning model systems to be  
34 considered in preparing a 911 service plan;

35 (4) Provide requested mediation services to political subdivisions involved in  
36 jurisdictional disputes regarding the provision of 911 services, except that such [committee] board

shall not supersede decision-making authority of local political subdivisions in regard to 911 services;

(5) Provide assistance to the governor and the general assembly regarding 911 services;

(6) Review existing and proposed legislation and make recommendations as to changes that would improve such legislation;

(7) Aid and assist in the timely collection and dissemination of information relating to the use of a universal emergency telephone number;

(8) Perform other duties as necessary to promote successful development, implementation and operation of 911 systems across the state; and

(9) Advise the department of public safety on establishing rules and regulations necessary to administer the provisions of sections [650.320 to 650.340] 190.400 to 190.445.

5. The department of public safety shall provide staff assistance to the [committee for] 911 service oversight board as necessary in order for the [committee] board to perform its duties pursuant to sections [650.320 to 650.340] 190.400 to 190.445.

6. The department of public safety is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within section [650.340] 190.445. Any rule or portion of a rule, as that term is defined in section 536.010, shall become effective only if it has been promulgated pursuant to the provisions of chapter 536. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

\_\_\_\_\_[650.340.] 190.445. 1. The provisions of this section may be cited and shall be known as the "911 Training and Standards Act".

2. Initial training requirements for telecommunicators who answer 911 calls that come to public safety answering points shall be as follows:

(1) Police telecommunicator..... 16 hours;

(2) Fire telecommunicator..... 16 hours;

(3) Emergency medical services telecommunicator..... 16 hours;

(4) Joint communication center telecommunicator..... 40 hours.

3. All persons employed as a telecommunicator in this state shall be required to complete ongoing training so long as such person engages in the occupation as a telecommunicator. Such persons shall complete at least twenty-four hours of ongoing training every three years by such persons or organizations as provided in subsection 6 of this section. The reporting period for the ongoing training under this subsection shall run concurrent with the existing continuing education reporting periods for Missouri peace officers pursuant to chapter 590.

1           4. Any person employed as a telecommunicator on August 28, 1999, shall not be required  
2 to complete the training requirement as provided in subsection 2 of this section. Any person hired  
3 as a telecommunicator after August 28, 1999, shall complete the training requirements as  
4 provided in subsection 2 of this section within twelve months of the date such person is employed  
5 as a telecommunicator.

6           5. The training requirements as provided in subsection 2 of this section shall be waived  
7 for any person who furnishes proof to the [committee] board that such person has completed  
8 training in another state which are at least as stringent as the training requirements of subsection 2  
9 of this section.

10           6. The department of public safety shall determine by administrative rule the persons or  
11 organizations authorized to conduct the training as required by subsection 2 of this section.

12           7. This section shall not apply to an emergency medical dispatcher or dispatch agency as  
13 defined in section 190.100, or a person trained by an entity accredited or certified under section  
14 190.131, or a person who provides prearrival medical instructions who works for [an] a dispatch  
15 agency which meets the requirements set forth in section

16           302.291. 1. The director, having good cause to believe that an operator is incompetent or  
17 unqualified to retain his or her license, after giving ten days' notice in writing by certified mail  
18 directed to such person's present known address, may require the person to submit to an  
19 examination as prescribed by the director. Upon conclusion of the examination, the director may  
20 allow the person to retain his or her license, may suspend, deny or revoke the person's license, or  
21 may issue the person a license subject to restrictions as provided in section 302.301. If an  
22 examination indicates a condition that potentially impairs safe driving, the director, in addition to  
23 action with respect to the license, may require the person to submit to further periodic  
24 examinations. The refusal or neglect of the person to submit to an examination within thirty days  
25 after the date of such notice shall be grounds for suspension, denial or revocation of the person's  
26 license by the director, an associate circuit or circuit court. Notice of any suspension, denial,  
27 revocation or other restriction shall be provided by certified mail. As used in this section, the  
28 term "denial" means the act of not licensing a person who is currently suspended, revoked or  
29 otherwise not licensed to operate a motor vehicle. Denial may also include the act of withdrawing  
30 a previously issued license.

31           2. The examination provided for in subsection 1 of this section may include, but is not  
32 limited to, a written test and tests of driving skills, vision, highway sign recognition and, if  
33 appropriate, a physical and/or mental examination as provided in section 302.173.

34           3. The director shall have good cause to believe that an operator is incompetent or  
35 unqualified to retain such person's license on the basis of, but not limited to, a report by:

36           (1) Any certified peace officer;

1 (2) Any physician, physical therapist or occupational therapist licensed pursuant to  
2 chapter 334; any chiropractic physician licensed pursuant to chapter 331; any registered nurse  
3 licensed pursuant to chapter 335; any psychologist, social worker or professional counselor  
4 licensed pursuant to chapter 337; any optometrist licensed pursuant to chapter 336; any emergency  
5 medical technician licensed under chapter 190; or

6 (3) Any member of the operator's family within three degrees of consanguinity, or the  
7 operator's spouse, who has reached the age of eighteen, except that no person may report the same  
8 family member pursuant to this section more than one time during a twelve-month period. The  
9 report must state that the person reasonably and in good faith believes the driver cannot safely  
10 operate a motor vehicle and must be based upon personal observation or physical evidence which  
11 shall be described in the report, or the report shall be based upon an investigation by a law  
12 enforcement officer. The report shall be a written declaration in the form prescribed by the  
13 department of revenue and shall contain the name, address, telephone number, and signature of  
14 the person making the report.

15 4. Any physician, physical therapist or occupational therapist licensed pursuant to chapter  
16 334, any chiropractor licensed pursuant to chapter 331, any registered nurse licensed pursuant to  
17 chapter 335, any psychologist, social worker or professional counselor licensed pursuant to  
18 chapter 337, or any optometrist licensed pursuant to chapter 336, or any emergency medical  
19 technician licensed under chapter 190 may report to the department any patient diagnosed or  
20 assessed as having a disorder or condition that may prevent such person from safely operating a  
21 motor vehicle. Such report shall state the diagnosis or assessment and whether the condition is  
22 permanent or temporary. The existence of a physician-patient relationship shall not prevent the  
23 making of a report by such medical professionals.

24 5. Any person who makes a report in good faith pursuant to this section shall be immune  
25 from any civil liability that otherwise might result from making the report. Notwithstanding the  
26 provisions of chapter 610 to the contrary, all reports made and all medical records reviewed and  
27 maintained by the department of revenue pursuant to this section shall be kept confidential except  
28 upon order of a court of competent jurisdiction or in a review of the director's action pursuant to  
29 section 302.311.

30 6. The department of revenue shall keep records and statistics of reports made and actions  
31 taken against driver's licenses pursuant to this section.

32 7. The department of revenue shall, in consultation with the medical advisory board  
33 established by section 302.292, develop a standardized form and provide guidelines for the  
34 reporting of cases and for the examination of drivers pursuant to this section. The guidelines shall  
35 be published and adopted as required for rules and regulations pursuant to chapter 536. The  
36 department of revenue shall also adopt rules and regulations as necessary to carry out the other

provisions of this section. The director of revenue shall provide health care professionals and law enforcement officers with information about the procedures authorized in this section. The guidelines and regulations implementing this section shall be in compliance with the federal Americans with Disabilities Act of 1990.

8. Any person who knowingly violates a confidentiality provision of this section or who knowingly permits or encourages the unauthorized use of a report or reporting person's name in violation of this section shall be guilty of a class A misdemeanor and shall be liable for damages which proximately result.

9. Any person who intentionally files a false report pursuant to this section shall be guilty of a class A misdemeanor and shall be liable for damages which proximately result.

10. All appeals of license revocations, suspensions, denials and restrictions shall be made as required pursuant to section 302.311 within thirty days after the receipt of the notice of revocation, suspension, denial or restriction.

11. Any individual whose condition is temporary in nature as reported pursuant to the provisions of subsection 4 of this section shall have the right to petition the director of the department of revenue for total or partial reinstatement of his or her license. Such request shall be made on a form prescribed by the department of revenue and accompanied by a statement from a health care provider with the same or similar license as the health care provider who made the initial report resulting in the limitation or loss of the driver's license. Such petition shall be decided by the director of the department of revenue within thirty days of receipt of the petition. Such decision by the director is appealable pursuant to subsection 10 of this section.

302.800. 1. For purposes of this section, the following terms mean:

(1) "Department", the department of revenue;

(2) "Director", the director of the department of revenue;

(3) "Emergency responder", a municipal, county, or state law enforcement officer or firefighter, or other person who has been trained to provide emergency medical first response services;

(4) "Program participant", an individual who has completed a health information card that includes health and emergency contact information, and affixed the decal provided by the department of revenue under this section to the individual's motor vehicle.

2. There is hereby established a "Missouri Yellow Dot Program" in the department of revenue. The purpose of the program is to provide emergency responders with critical health and emergency contact information about program participants so emergency responders may aid program participants when those individuals are involved in motor vehicle emergencies or accidents and are unable to communicate.

3. The department of revenue shall design Missouri yellow dot program materials, giving

1 consideration to the program materials used by other states in similar programs. Program  
2 materials shall include, but shall not be limited to:

3 (1) A yellow decal of a size and design to be determined by the department which shall be  
4 affixed to the rear driver's side window of the program participant's vehicle;

5 (2) A health information card which provides space for an individual to attach a recent  
6 photograph and indicate the individual's name, emergency contact information, physician's names  
7 and contact information, medical conditions, recent surgeries, allergies, medications, and any  
8 other information the director deems relevant to emergency responders in the case of emergency;

9 (3) A yellow envelope of a size and design to be determined by the director into which the  
10 health information card established under this subsection is to be inserted and placed into the  
11 program participant's glove compartment; and

12 (4) A program instruction sheet including an electronic mail address required under  
13 subsection 4 of this section.

14 4. The department shall establish an electronic mail mechanism through which persons  
15 may ask questions about the program and receive assistance in completing the health information  
16 card.

17 5. The department shall provide sufficient program materials to other state departments or  
18 agencies seeking to distribute or make program materials available to interested persons.

19 6. The director shall notify the state highway patrol regarding the implementation of the  
20 Missouri yellow dot program so that all emergency responders are informed about the program.

21 7. The department may charge an individual seeking to participate in the program a  
22 nominal fee to cover the administrative cost of the program.

23 8. The department shall make Missouri yellow dot program materials available for pick  
24 up by any interested person at any driver's license office and shall provide for an online means  
25 through which individuals can request the materials required to participate in the program. Any  
26 other state department or agency may make the program materials available for distribution to, or  
27 pick up by, any interested person.

28 9. The department shall develop and undertake a public education campaign to inform the  
29 public about the program established in this section.

30 10. The director may promulgate all necessary rules and regulations for the administration  
31 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
32 created under the authority delegated in this section shall become effective only if it complies with  
33 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This  
34 section and chapter 536 are nonseverable and if any of the powers vested with the general  
35 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul  
36 a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule

proposed or adopted after August 28, 2012, shall be invalid and void.

11. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

320.106. As used in sections 320.106 to 320.161, unless clearly indicated otherwise, the following terms mean:

(1) "American Pyrotechnics Association (APA), Standard 87-1", or subsequent standard which may amend or supersede this standard for manufacturers, importers and distributors of fireworks;

(2) "Chemical composition", all pyrotechnic and explosive composition contained in fireworks devices as defined in American Pyrotechnics Association (APA), Standard 87-1;

(3) "Consumer fireworks", explosive devices designed primarily to produce visible or audible effects by combustion and includes aerial devices and ground devices, all of which are classified as fireworks, UNO336, [1.4G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class C common fireworks by regulation of the United States Department of Transportation] within 49 CFR Part 172;

(4) "Discharge site", the area immediately surrounding the fireworks mortars used for an outdoor fireworks display;

(5) "Dispenser", a device designed for the measurement and delivery of liquids as fuel;

(6) "Display fireworks", explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes devices containing more than two grains (130 mg) of explosive composition intended for public display. These devices are classified as fireworks, UN0333 or UN0334 or UNO335, [1.3G by regulation of the United States Department of Transportation, as amended from time to time, and which were formerly classified as class B display fireworks by regulation of the United States Department of Transportation] within 49 CFR Part 172;

(7) "Display site", the immediate area where a fireworks display is conducted, including the discharge site, the fallout area, and the required separation distance from mortars to spectator viewing areas, but not spectator viewing areas or vehicle parking areas;

(8) "Distributor", any person engaged in the business of selling fireworks to wholesalers,



1 jobbers, seasonal retailers, other persons, or governmental bodies that possess the necessary  
2 permits as specified in sections 320.106 to 320.161, including any person that imports any  
3 fireworks of any kind in any manner into the state of Missouri;

4 (9) "Fireworks", any composition or device for producing a visible, audible, or both  
5 visible and audible effect by combustion, deflagration, or detonation and that meets the definition  
6 of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United  
7 States Department of Transportation hazardous materials regulations[, and American Pyrotechnics  
8 Association 87-1 standards];

9 (10) "Fireworks season", the period beginning on the twentieth day of June and  
10 continuing through the tenth day of July of the same year and the period beginning on the  
11 twentieth day of December and continuing through the second day of January of the next year,  
12 which shall be the only periods of time that seasonal retailers may be permitted to sell consumer  
13 fireworks;

14 (11) "Jobber", any person engaged in the business of making sales of consumer fireworks  
15 at wholesale or retail within the state of Missouri to nonlicensed buyers for use and distribution  
16 outside the state of Missouri during a calendar year from the first day of January through the  
17 thirty-first day of December;

18 (12) "Licensed operator", any person who supervises, manages, or directs the discharge of  
19 outdoor display fireworks, either by manual or electrical means; who has met additional  
20 requirements established by promulgated rule and has successfully completed a display fireworks  
21 training course recognized and approved by the state fire marshal;

22 (13) "Manufacturer", any person engaged in the making, manufacture, assembly or  
23 construction of fireworks of any kind within the state of Missouri;

24 (14) "NFPA", National Fire Protection Association, an international codes and standards  
25 organization;

26 (15) "Permanent structure", buildings and structures with permanent foundations other  
27 than tents, mobile homes, and trailers;

28 (16) "Permit", the written authority of the state fire marshal issued pursuant to sections  
29 320.106 to 320.161 to sell, possess, manufacture, discharge, or distribute fireworks;

30 (17) "Person", any corporation, association, partnership or individual or group thereof;

31 (18) "Proximate fireworks", a chemical mixture used in the entertainment industry to  
32 produce visible or audible effects by combustion, deflagration, or detonation, as [defined by the  
33 most current edition of the American Pyrotechnics Association (APA), Standard 87-1, section 3.8,  
34 specific requirements for theatrical pyrotechnics] classified within 49 CFR Part 172 as UN0431 or  
35 UN0432;

36 (19) "Pyrotechnic operator" or "special effects operator", an individual who has

responsibility for pyrotechnic safety and who controls, initiates, or otherwise creates special effects for proximate fireworks and who has met additional requirements established by promulgated rules and has successfully completed a proximate fireworks training course recognized and approved by the state fire marshal;

(20) "Sale", an exchange of articles of fireworks for money, including barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as a principal proprietor, salesman, agent, association, copartnership or one or more individuals;

(21) "Seasonal retailer", any person within the state of Missouri engaged in the business of making sales of consumer fireworks in Missouri only during a fireworks season as defined by subdivision (10) of this section;

(22) "Wholesaler", any person engaged in the business of making sales of consumer fireworks to any other person engaged in the business of making sales of consumer fireworks at retail within the state of Missouri.

320.131. 1. It is unlawful for any person to possess, sell or use within the state of Missouri, or ship into the state of Missouri, except as provided in section 320.126, any pyrotechnics commonly known as "fireworks" and defined as consumer fireworks in subdivision (3) of section 320.106 other than items now or hereafter classified as fireworks UNO336, 1.4G by the United States Department of Transportation that comply with the construction, chemical composition, labeling and other regulations relative to consumer fireworks regulations promulgated by the United States Consumer Product Safety Commission and permitted for use by the general public pursuant to such commission's regulations.

2. No wholesaler, jobber, or seasonal retailer, or any other person shall sell, offer for sale, store, display, or have in their possession any consumer fireworks that have not been approved as fireworks UNO336, 1.4G by the United States Department of Transportation.

3. No jobber, wholesaler, manufacturer, or distributor shall sell to seasonal retailer dealers, or any other person, in this state for the purpose of resale, or use, in this state, any consumer fireworks which do not have the numbers and letter "1.4G" printed within an orange, diamond-shaped label printed on or attached to the fireworks shipping carton.

4. This section does not prohibit a manufacturer, distributor or any other person possessing the proper permits as specified by state and federal law from storing, selling, shipping or otherwise transporting display or proximate fireworks[, defined as fireworks UNO335, 1.3G/UNO431, 1.4G or UNO432, 1.4S by the United States Department of Transportation, provided they possess the proper permits as specified by state and federal law].

5. Matches, toy pistols, toy canes, toy guns, party poppers, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound, provided that they are so constructed that the hand cannot come into contact with the cap when in place for use, and

toy pistol paper caps which contain less than twenty-five hundredths grains of explosive mixture shall be permitted for sale and use at all times and shall not be regulated by the provisions of sections 320.106 to 320.161.

320.136. Ground salutes commonly known as "cherry bombs", "M-80's", "M-100's", "M-1000's", and any other tubular salutes or any items described as prohibited chemical components or forbidden devices as listed in the American Pyrotechnics Association Standard 87-1 or which exceed the [federal] limits set for consumer fireworks [UNO336, 1.4G formerly known as class C common fireworks, display fireworks UNO335, 1.3F, and proximate fireworks UNO431, 1.4F/UNO432, 1.4S by the United States Department of Transportation], display fireworks, or proximate fireworks for explosive composition are expressly prohibited from shipment into, manufacture, possession, sale, or use within the state of Missouri for consumer use. Possession, sale, manufacture, or transport of this type of illegal explosive shall be punished as provided by the provisions of section 571.020.

320.202. 1. There is hereby established within the department of public safety a "Division of Fire Safety", which shall have as its chief executive officer the fire marshal appointed under section 320.205. The fire marshal and the division shall be responsible for:

(1) The voluntary training of firefighters, investigators, inspectors, and public or private employees or volunteers in the field of emergency response, rescue, fire prevention or preparedness;

(2) Establishing and maintaining a statewide reporting system, which shall, as a minimum, include the records required by section 320.235 and a record of all fires occurring in Missouri showing:

(a) The name of all owners of personal and real property affected by the fire;

(b) The name of each occupant of each building in which a fire occurred;

(c) The total amount of insurance carried by, the total amount of insurance collected by, and the total amount of loss to each owner of property affected by the fire; and

(d) All the facts, statistics and circumstances, including, but not limited to, the origin of the fire, which are or may be determined by any investigation conducted by the division or any local firefighting agency under the laws of this state. All records maintained under this subdivision shall be open to public inspections during all normal business hours of the division;

(3) Conducting all investigations of fires mandated by sections 320.200 to 320.270;

(4) Conducting all fire inspections required of any private premises in order for any license relating to such private premises to be issued under any licensing law of this state, except those organizations and institutions licensed pursuant to chapter 197;

(5) Establishing and maintaining a voluntary training and certification program based upon nationally recognized standards. A certification testing fee and recertification fee shall be

1 established by promulgated rules and regulations by the state fire marshal under the provisions of  
2 section 536.024.

3 Fees collected shall be deposited into the [general revenue] fire education fund established in  
4 section 320.094.

5 2. The state fire marshal shall exercise and perform all powers and duties necessary to  
6 carry out the responsibilities imposed by subsection 1 of this section, including, but not limited to,  
7 the power to contract with any person, firm, corporation, state agency, or political subdivision for  
8 services necessary to accomplish any of the responsibilities imposed by subsection 1 of this  
9 section.

10 3. The state fire marshal shall have the authority to promulgate rules and regulations  
11 under the provisions of section 536.024 to carry out the provisions of this section.”; and  
12

13 Further amend said bill, page 7, section 320.416, line 9, by inserting immediately after said line  
14 the following:  
15

16 “321.015. 1. No person holding any lucrative office or employment under this state, or  
17 any political subdivision thereof as defined in section 70.120, shall hold the office of fire  
18 protection district director under this chapter. When any fire protection district director accepts  
19 any office or employment under this state or any political subdivision thereof, his office shall  
20 thereby be vacated and he shall thereafter perform no duty and receive no salary or expenses as  
21 fire protection district director.

22 2. This section shall not apply to:

23 (1) Members of the organized militia, of the reserve corps, public school employees and  
24 notaries public; [, or to]

25 (2) Fire protection districts located wholly within counties of the second, third or fourth  
26 [class or] classification;

27 (3) Fire protection districts in counties of the first classification with less than eighty-five  
28 thousand inhabitants;

29 (4) Fire protection districts located within [first class] counties of the first classification  
30 not adjoining any other [first class] county of the first classification; [, nor shall this section apply  
31 to]

32 (5) Fire protection districts located within any county of the first or second [class]  
33 classification not having more than nine hundred thousand inhabitants which borders any three  
34 [first class] counties of the first classification; [nor shall this section apply to]

35 (6) Fire protection districts located within any [first class] county of the first classification  
36 [without a charter form of government] which adjoins both a [first class] charter county [with a

1 charter form of government] with at least nine hundred thousand inhabitants, and adjoins at least  
2 four other counties;

3 (7) Fire protection districts located within any county of the first classification with more  
4 than one hundred fifty thousand but fewer than two hundred thousand inhabitants.

5  
6 The term "lucrative office or employment" does not include receiving retirement benefits,  
7 compensation for expenses, or a stipend or per diem, in an amount not to exceed seventy-five  
8 dollars for each day of service, for service rendered to a fire protection district, the state or any  
9 political subdivision thereof.

10 321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district  
11 at least one year before the election or appointment and be over the age of twenty-five years;  
12 except as provided in subsections 2 and 3 of this section. The person shall also be a resident of  
13 such fire protection district. In the event the person is no longer a resident of the district, the  
14 person's office shall be vacated, and the vacancy shall be filled as provided in section 321.200.  
15 Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection  
16 district by paying a ten dollar filing fee and filing a statement under oath that such person  
17 possesses the required qualifications.

18 2. In any fire protection district located in more than one county one of which is a first  
19 class county without a charter form of government having a population of more than one hundred  
20 ninety-eight thousand and not adjoining any other first class county or located wholly within a  
21 first class county as described herein, a resident shall have been a resident of the district for more  
22 than one year to be qualified to serve as a director.

23 3. In any fire protection district located in a county of the third or fourth classification, a  
24 person to be qualified to serve as a director shall be over the age of twenty-five years and shall be  
25 a voter of the district for more than one year before the election or appointment, except that for the  
26 first board of directors in such district, a person need only be a voter of the district for one year  
27 before the election or appointment.

28 4. A person desiring to become a candidate for the first board of directors of the proposed  
29 district shall pay the sum of five dollars as a filing fee to the treasurer of the county and shall file  
30 with the election authority a statement under oath that such person possesses all of the  
31 qualifications set out in this chapter for a director of a fire protection district. Thereafter, such  
32 candidate shall have the candidate's name placed on the ballot as a candidate for director.

33 5. Any director who has been found guilty of or pled guilty to any felony offense shall  
34 immediately forfeit his or her office.

35 6. No person shall be qualified to serve as a director, nor shall such person's name appear  
36 on the ballot as a candidate for such office, who shall be in arrears for any unpaid or past due

1 county taxes.

2 321.162. 1. In addition to the qualifications prescribed by law, all members of the board  
3 of directors of a fire protection district first elected or appointed on or after January 1, 2008, shall  
4 attend and complete an educational seminar or conference or other suitable training on the role  
5 and duties of a board member of a fire protection district. The training required under this section  
6 shall be conducted by an entity approved by the office of the state fire marshal. The office of the  
7 state fire marshal shall determine the content of the training to fulfill the requirements of this  
8 section. Such training shall include, at a minimum:

- 9 (1) Information relating to the roles and duties of a fire protection district director;  
10 (2) A review of all state statutes and regulations relevant to fire protection districts;  
11 (3) State ethics laws;  
12 (4) State sunshine laws, chapter 610;  
13 (5) Financial and fiduciary responsibility;  
14 (6) State laws relating to the setting of tax rates; and  
15 (7) State laws relating to revenue limitations.

16 2. If any fire protection district board member fails to attend a training session within  
17 twelve months after taking office, the board member shall not be compensated for attendance at  
18 meetings thereafter until the board member has completed such training session.”; and  
19

20 Further amend said bill, page 8, section 321.228, line 30, by inserting immediately after said line  
21 the following:

22 \_\_\_\_\_  
23 \_\_\_\_\_ “321.460. 1. Two or more fire protection districts may consolidate with each other in the  
24 manner hereinafter provided, and only if the districts have one or more common boundaries, in  
25 whole or in part, or are located within the same county, in whole or in part, as to any respective  
26 two of the districts which are so consolidating.

27 2. By a majority vote of each board of directors of each fire protection district included  
28 within the proposed consolidation, a consolidation plan may be adopted. The consolidation plan  
29 shall include the name of the proposed consolidated district, the legal description of the  
30 boundaries of each district to be consolidated, and a legal description of the boundaries of the  
31 consolidated district, the amount of outstanding bonds, if any, of each district proposed to be  
32 consolidated, a listing of the firehouses within each district, and the names of the districts to be  
33 consolidated.

34 3. Each board of the districts approving the plan for proposed consolidation shall duly  
35 certify and file in the office of the clerk of the circuit court of the county in which the district is  
36 located a copy of the plan of consolidation, bearing the signatures of those directors who vote in

1 favor thereof, together with a petition for consolidation. The petition may be made jointly by all  
2 of the districts within the respective plan of consolidation. A filing fee of fifty dollars shall be  
3 deposited with the clerk, on the filing of the petition, against the costs of court.

4 4. The circuit court sitting in and for any county to which the petition is presented is  
5 hereby vested with jurisdiction, power and authority to hear the same, and to approve the  
6 consolidation and order such districts consolidated, after holding an election, as hereinafter  
7 provided.

8 5. If the circuit court finds the plan for consolidation to have been duly approved by the  
9 respective boards of directors of the fire protection districts proposed to be consolidated, then the  
10 circuit court shall enter its order of record, directing the submission of the question.

11 6. The order shall direct publication of notice of election, and shall fix the date thereof.  
12 The order shall direct that the elections shall be held to vote on the proposition of consolidating  
13 the districts and to elect three persons, having the qualifications declared in section 321.130 and  
14 being among the then directors of the districts proposed to be consolidated, to become directors of  
15 the consolidated district.

16 7. The question shall be submitted in substantially the following form:

17 Shall the ..... Fire Protection Districts and the ..... Fire Protection District be consolidated  
18 into one fire protection district to be known as the ..... Fire Protection District, with tax levies not  
19 in excess of the following amounts: maintenance fund ..... cents per one hundred dollars assessed  
20 valuation; ambulance service ..... cents per one hundred dollars assessed valuation; pension fund  
21 ..... cents per one hundred dollars assessed valuation; and dispatching fund ..... cents per one  
22 hundred dollars assessed valuation?

23 8. If, upon the canvass and declaration, it is found and determined that a majority of the  
24 voters of the districts voting on the proposition or propositions have voted in favor of the  
25 proposition to incorporate the consolidated district, then the court shall then further, in its order,  
26 designate the first board of directors of the consolidated district, who have been elected by the  
27 voters voting thereon, the one receiving the third highest number of votes to hold office until the  
28 first Tuesday in April which is more than one year after the date of election, the one receiving the  
29 second highest number of votes to hold office until two years after the first Tuesday aforesaid, and  
30 the one receiving the highest number of votes until four years after the first Tuesday in April as  
31 aforesaid. If any other propositions are also submitted at the election, the court, in its order, shall  
32 also declare the results of the votes thereon. If the court shall find and determine, upon the  
33 canvass and declaration, that a majority of the voters of the consolidated district have not voted in  
34 favor of the proposition to incorporate the consolidated district, then the court shall enter its order  
35 declaring the proceedings void and of no effect, and shall dismiss the same at the cost of  
36 petitioners.

321.711. 1. A recall petition shall be filed with the election authority not more than one hundred eighty days after the filing of the notice of intention.

2. The number of qualified signatures required in order to recall an officer shall be equal in number to at least [twenty-five] twenty percent of the number of voters who voted in the most recent gubernatorial election in that district.

3. Within twenty days from the filing of the recall petition the election authority shall determine whether or not the petition was signed by the required number of qualified signatures. The election authority shall file with the petition a certificate showing the results of the examination. The authority shall give the proponents a copy of the certificate upon their request.

4. If the election authority certifies the petition to be insufficient, it may be supplemented within ten days of the date of certificate by filing additional petition sections containing all of the information required by section 321.709 and this section. Within ten days after the supplemental copies are filed, the election authority shall file with it a certificate stating whether or not the petition as supplemented is sufficient.

5. If the certificate shows that the

petition as supplemented is insufficient. 5. If the certificate shows that the petition as supplemented is insufficient, no action shall be taken on it; however, the petition shall remain on file.”; and

Further amend said bill, page 8, section 321.228, line 30, by inserting immediately after said line the following:

“577.029. A licensed physician, registered nurse, or trained in hospital medical technician, acting at the request and direction of the law enforcement officer, shall withdraw blood for the purpose of determining the alcohol content of the blood, unless such medical personnel, in his or her good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen, or a urine specimen. In withdrawing blood for the purpose of determining the alcohol content thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him or her.”; and

Further amend said bill, page 9, section 701.550, line 29, by inserting immediately after said line the following:

[190.400. As used in sections 190.400 to 190.440, the following words and terms



1 shall mean:

- 2 (1) "911", the primary emergency telephone number within the wireless system;  
3 (2) "Board", the wireless service provider enhanced 911 advisory board;  
4 (3) "Public safety agency", a functional division of a public agency which provides  
5 fire fighting, police, medical or other emergency services. For the purpose of  
6 providing wireless service to users of 911 emergency services, as expressly  
7 provided in this section, the department of public safety and state highway patrol  
8 shall be considered a public safety agency;  
9 (4) "Public safety answering point", the location at which 911 calls are initially  
10 answered;  
11 (5) "Wireless service provider", a provider of commercial mobile service pursuant  
12 to Section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C.  
13 Section 151 et seq.).]

14  
15 [190.410. 1. There is hereby created in the department of public safety the  
16 "Wireless Service Provider Enhanced 911 Advisory Board", consisting of eight  
17 members as follows:

- 18 (1) The director of the department of public safety or the director's designee who  
19 shall hold a position of authority in such department of at least a division director;  
20 (2) The chairperson of the public service commission or the chairperson's  
21 designee; except that such designee shall be a commissioner of the public service  
22 commission or hold a position of authority in the commission of at least a division  
23 director;  
24 (3) Three representatives and one alternate from the wireless service providers,  
25 elected by a majority vote of wireless service providers licensed to provide service  
26 in this state; and  
27 (4) Three representatives from public safety answering point organizations, elected  
28 by the members of the state chapter of the associated public safety communications  
29 officials and the state chapter of the National Emergency Numbering Association.  
30 2. Immediately after the board is established the initial term of membership for a  
31 member elected pursuant to subdivision (3) of subsection 1 of this section shall be  
32 one year and all subsequent terms for members so elected shall be two years. The  
33 membership term for a member elected pursuant to subdivision (4) of subsection 1  
34 of this section shall initially and subsequently be two years. Each member shall  
35 serve no more than two successive terms unless the member is on the board  
36 pursuant to subdivision (1) or (2) of subsection 1 of this section. Members of the

board shall serve without compensation, however, the members may receive reimbursement of actual and necessary expenses. Any vacancies on the board shall be filled in the manner provided for in this subsection.

3. The board shall do the following:

(1) Elect from its membership a chair and other such officers as the board deems necessary for the conduct of its business;

(2) Meet at least one time per year for the purpose of discussing the implementation of Federal Communications Commission order 94-102;

(3) Advise the office of administration regarding implementation of Federal Communications Commission order 94-102; and

(4) Provide any requested mediation service to a political subdivision which is involved in a jurisdictional dispute regarding the providing of wireless 911 services. The board shall not supersede decision-making authority of any political subdivision in regard to 911 services.

4. The director of the department of public safety shall provide and coordinate staff and equipment services to the board to facilitate the board's duties.]

[190.420. 1. There is hereby established in the state treasury a fund to be known as the "Wireless Service Provider Enhanced 911 Service Fund". All fees collected pursuant to sections 190.400 to 190.440 by wireless service providers shall be remitted to the director of the department of revenue. The director shall remit such payments to the state treasurer.

2. The state treasurer shall deposit such payments into the wireless service provider enhanced 911 service fund. Moneys in the fund shall be used for the purpose of reimbursing expenditures actually incurred in the implementation and operation of the wireless service provider enhanced 911 system.

3. Any unexpended balance in the fund shall be exempt from the provisions of section 33.080, relating to the transfer of unexpended balances to the general revenue fund, and shall remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the fund.]

[190.430. 1. The commissioner of the office of administration is authorized to establish a fee, if approved by the voters pursuant to section 190.440, not to exceed fifty cents per wireless telephone number per month to be collected by wireless service providers from wireless service customers.

2. The office of administration shall promulgate rules and regulations to

1 administer the provisions of sections 190.400 to 190.440. Any rule or portion of a  
2 rule, as that term is defined in section 536.010, that is promulgated pursuant to the  
3 authority delegated in sections 190.400 to 190.440 shall become effective only if it  
4 has been promulgated pursuant to the provisions of chapter 536. All rulemaking  
5 authority delegated prior to July 2, 1998, is of no force and effect and repealed;  
6 however, nothing in this section shall be interpreted to repeal or affect the validity  
7 of any rule filed or adopted prior to July 2, 1998, if it fully complied with the  
8 provisions of chapter 536. This section and chapter 536 are nonseverable and if  
9 any of the powers vested with the general assembly pursuant to chapter 536 to  
10 review, to delay the effective date or to disapprove and annul a rule are  
11 subsequently held unconstitutional, then the grant of rulemaking authority and any  
12 rule proposed or adopted after July 2, 1998, shall be invalid and void.

13 3. The office of administration is authorized to administer the fund and to  
14 distribute the moneys in the wireless service provider enhanced 911 service fund  
15 for approved expenditures as follows:

16 (1) For the reimbursement of actual expenditures for implementation of wireless  
17 enhanced 911 service by wireless service providers in implementing Federal  
18 Communications Commission order 94-102; and

19 (2) To subsidize and assist the public safety answering points based on a formula  
20 established by the office of administration, which may include, but is not limited to  
21 the following:

22 (a) The volume of wireless 911 calls received by each public safety answering  
23 point;

24 (b) The population of the public safety answering point jurisdiction;

25 (c) The number of wireless telephones in a public safety answering point  
26 jurisdiction by zip code; and

27 (d) Any other criteria found to be valid by the office of administration provided  
28 that of the total amount of the funds used to subsidize and assist the public safety  
29 answering points, at least ten percent of said funds shall be distributed equally  
30 among all said public safety answering points providing said services under said  
31 section;

32 (3) For the reimbursement of actual expenditures for equipment for  
33 implementation of wireless enhanced 911 service by public safety answering points  
34 to the extent that funds are available, provided that ten percent of funds distributed  
35 to public safety answering points shall be distributed in equal amounts to each  
36 public safety answering point participating in enhanced 911 service;

(4) Notwithstanding any other provision of the law, no proprietary information submitted pursuant to this section shall be subject to subpoena or otherwise released to any person other than to the submitting wireless service provider, without the express permission of said wireless service provider. General information collected pursuant to this section shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual wireless service provider.

4. Wireless service providers are entitled to retain one percent of the surcharge money they collect for administrative costs associated with billing and collection of the surcharge.

5. No more than five percent of the moneys in the fund, subject to appropriation by the general assembly, shall be retained by the office of administration for reimbursement of the costs of overseeing the fund and for the actual and necessary expenses of the board.

6. The office of administration shall review the distribution formula once every year and may adjust the amount of the fee within the limits of this section, as determined necessary.

7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and services authorized by sections 190.400 to 190.440.

8. Notwithstanding any other provision of the law, in no event shall any wireless service provider, its officers, employees, assigns or agents, be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, an act or omission in the development, design, installation, operation, maintenance, performance or provision of 911 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of this act unless the release constitutes gross negligence, recklessness or intentional misconduct.]

[190.440. 1. The office of administration shall not be authorized to establish a fee pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election

1 held and conducted on the Tuesday immediately following the first Monday in  
2 November, 1998, or at a special election to be called by the governor on the ballot  
3 measure. If the measure is rejected at such general or special election, the measure  
4 may be resubmitted at each subsequent general election, or may be resubmitted at  
5 any subsequent special election called by the governor on the ballot measure, until  
6 such measure is approved.

7 2. The ballot of the submission shall contain, but is not limited to, the following  
8 language:

9 Shall the Missouri Office of Administration be authorized to establish a fee of up  
10 to fifty cents per month to be charged every wireless telephone number for the  
11 purpose of funding wireless enhanced 911 service?

12 ☐ YES

☐ NO

13  
14 If you are in favor of the question, place an "X" in the box opposite "Yes". If you  
15 are opposed to the question, place an "X" in the box opposite "No".

16 3. If a majority of the votes cast on the ballot measure by the qualified voters  
17 voting thereon are in favor of such measure, then the office of administration shall  
18 be authorized to establish a fee pursuant to section 190.430, and the fee shall be  
19 effective on January 1, 1999, or the first day of the month occurring at least thirty  
20 days after the approval of the ballot measure. If a majority of the votes cast on the  
21 ballot measure by the qualified voters voting thereon are opposed to the measure,  
22 then the office of administration shall have no power to establish the fee unless and  
23 until the measure is approved.]

24  
25 [650.320. For the purposes of sections 650.320 to 650.340, the following terms  
26 mean:

27 (1) "Committee", the advisory committee for 911 service oversight established in  
28 section 650.325;

29 (2) "Public safety answering point", the location at which 911 calls are initially  
30 answered;

31 (3) "Telecommunicator", any person employed as an emergency telephone worker,  
32 call taker or public safety dispatcher whose duties include receiving, processing or  
33 transmitting public safety information received through a 911 public safety  
34 answering point.]

35 Section B. Because immediate action is necessary to ensure compliance with federal  
36 regulations prior to the sale of fireworks for the Independence Day holiday, sections 320.106,

1 320.131, and 320.136 of section A of this act is deemed necessary for the immediate preservation  
2 of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act  
3 within the meaning of the constitution, and sections 320.106, 320.131, and 320.136 of section A  
4 this act shall be in full force and effect upon its passage and approval.”; and

5  
6 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

7  
8 Further amend said bill by amending the title, enacting clause, and intersectional references  
9 accordingly.